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REVIVAL
OF THE
CURFEW LAW.



A PAPER PREPARED FOR THE TWENTY-THIRD
NATIONAL CONFERENCE OF CHARITIES AND
CORRECTIONS, HELD AT GRAND RAPIDS,
MICHIGAN, JUNE 4-10, 1896.

BY

The Superintendent of Neglected and Dependent
Children of Ontario

PARLIAMENT BUILDINGS,

TORONTO, ONT.

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REVIVAL
OF THE
CURFEW LAW.

A PAPER

SUBMITTED

BY J. J. KELSO, TORONTO,
SUPERINTENDENT OF NEGLECTED AND DEPENDENT
CHILDREN OF ONTARIO

TO THE

23RD NATIONAL CONFERENCE OF CHARITIES
AND CORRECTION

HELD IN GRAND RAPIDS, MICHIGAN

JUNE 4-10, 1896.



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THERE are probably no two opinions among thoughtful people as to the moral dangers that beset the path of the young who are allowed a too free contact with street life, especially after evening sets in. Leaving out of consideration the need of rest, of early sleep, of healthy moral teaching in the home, there is towering over all these the almost certain destruction of pure instincts, the inculcation of vicious, soul-destroying thoughts, where children are allowed unlimited street-roving after dark. Those who labor for the good of humanity know full well how many darkened young life-histories there are that trace the first wrong step to the evil stories and suggestions heard while loitering in the streets after sundown. Many boys who have had good but indulgent parents have got off the track through the filthy communications, and the plottings of street-corner loitering. Many young girls, more foolish and giddy than wicked, have been cast down to life-long misery and shame through the associations formed under the allurements of dimly

lighted streets and street-made acquaintances. And even though there may be no visible effects of impure teaching, though parents fail to recognize at the time the marks of the destroyer, the evil impress made upon the soul remains indelible, and can seldom if ever be eradicated.

Admitting that there is need of some effort to save the young from dangers far greater than they in their youthful experience can realize, the question presents itself—does a prohibitive measure, such as the Curfew, answer the requirements in any degree? It goes without saying, that parents should look after their children and keep them out of the dangers alluded to; but since many of them do not, that argument so commonly used in opposition to the measure may be considered disposed of. The basis of all law is the public good, and on this general principle the passage of any measure likely to be of universal benefit might readily be justified. But like all other law, the Curfew can only be enforced and its good effects realized in proportion to the prevailing sentiment in its favor. If the community generally and the representative officials are heartily in accord with the law, then it goes without saying that it will accomplish a great deal of good. If, on the other hand, there is a very pronounced opposition, such a law would be sure to remain a dead letter, and be almost wholly ineffectual.

Few questions evoke a more general discussion in any community than the proposition to pass the Curfew Law, and there are few measures regarding which more widely divergent views are expressed. Often prominent clergymen and leaders of public opinion—misin-

formed as to its provisions and probable effects—have joined in the outcry against it, claiming it to be a backward move, and an infringement of personal liberty. Ridicule has also been powerfully used, even by men who can suggest no better remedy for an admitted evil, and all this opposition and ridicule reaches the children themselves, with the natural result that they lose respect for the law and feel themselves encouraged to disregard it.

With this general introduction, we come now to a consideration of what the Curfew Law is. In its modern form, the Curfew Law applies to children under fourteen or sixteen years of age, and is designed to protect the young from the vice and contamination of street life after dark. It is put into active operation by the Town Council adopting a by-law or ordinance requiring all children below a given age, to be in their homes before a certain hour each evening, unless they are in the company of a responsible adult or guardian. The names of offenders are to be taken down by any constable meeting them, and the parents notified, and if after notification the offence is repeated, the parents may be fined one dollar. In designing the law it was hoped that the educational effect would be very great, and while every child might not perhaps be brought within its observance, a sufficient proportion would be to make it a powerful factor and safeguard in the protection and upbuilding of character in the rising generation.

Weighing all the arguments for and against the Curfew, and with a knowledge of its effects in a large number of towns where it has been adopted, the con-

clusions arrived at may be briefly summarized as follows :—

The Curfew Law is a good measure where it receives the unanimous endorsement of the better class of citizens, and is honestly carried out. The hour at which its enforcement should begin, is usually agreed upon as nine o'clock for summer and eight o'clock for winter.

The age generally decided upon is fourteen, owing to the difficulty of enforcing it on children over that age ; although many persons will agree that it might with advantage be applied to children up to sixteen years of age, girls particularly.

Where the Curfew Law is passed without the public sentiment of the community cordially approving it, the enforcement will be ignored, and more harm than good will often result.

Such a measure will not accomplish everything, but if its adoption and enforcement could save even a fair proportion of children from the dangers and vices of the streets, is it not worthy of consideration as one of the forces that go to develop and build up a strong moral, self-respecting and industrious nation ?

THE CURFEW IN ONTARIO.

Nearly ten years ago the Curfew originated in the Province of Ontario, Canada, under the following circumstances : The Town Council of Waterloo decided that owing to the number of children noticed abroad at late hours, it would be desirable to have a fixed hour when all young folks should be at home. A resolution was introduced and carried to this effect—that the town bell be rung every evening at nine o'clock, and that all young persons under fifteen years of age, not accompanied by their parents or guardians, be warned, and arrested if found repeatedly on the streets after the ringing of the bell. The law had a splendid effect, and as the bell began to ring children could be seen scampering home in all directions. There was no by-law passed and placed on the town records, but simply a resolution which was adopted by successive councils. This plan was copied by Berlin and subsequently by Owen Sound.

WORDING OF THE ACT.

When the Children's Law was being considered by the Ontario Government in 1892, it was decided to give Permissive Legislation on the Curfew question, and the following section was placed in the Statute :

(1) Municipal councils in cities, towns, and incorporated villages shall have power to pass by-laws for the regulation of the time after which children shall not be in the streets at nightfall without proper guardianship and the age or apparent age, of boys and girls respectively, under which they shall be required to be in their homes at the hour appointed, and such muni-

cipal council shall in such case cause a bell or bells to be rung at or near the time appointed as a warning, to be called the "Curfew Bell," after which the children so required to be in their homes or off the streets shall not be upon the public streets except under proper control or guardianship or for some unavoidable cause.

(2) Any child so found after the time appointed shall be liable to be warned by any constable or peace officer to go home, and if after such warning the child shall be found loitering on the streets such child may be taken by such constable to its home.

(3) Any parent or guardian may be summoned for permitting his child to habitually break said by-law after having been warned in writing, and may be fined for the first offence \$1, without costs, and for the second offence \$2, and for a third, or any subsequent offence, \$5.

WHERE THE BELL RINGS.

The Curfew By-law has been adopted in the following towns and cities of Ontario: Waterloo, Berlin, Owen Sound, Sault Ste. Marie, Cornwall, Kingston, Orillia, Lakefield, St. Thomas, Glencoe, Wallaceburg, Galt, Cobourg, Collingwood, Barrie, Kincardine, Norwood, Leamington, Walkerton, Windsor, Amherstburg, Woodstock, Peterboro', Gravenhurst, Wiarton, Alliston, Huntsville, Paisley.

PETITION FOR THE CURFEW.

At a meeting of the Town Council of Orillia, a strong petition was presented in favor of the Curfew Bell.

The petition stated :—" We desire to call attention to the provisions of section 31, of the Children's Protection Act, (56 Vic., Chap. 45,) and to ask that your honorable body may be pleased to pass a by-law thereunder, for regulating the time after which children shall not be in the streets after nightfall, without proper guardianship. That your petitioners have in the past year gathered information from the several towns within which such a law has been in operation, and without exception the reports are favorable to the existence of such regulations. That your petitioners believe that such a law is in the best interests of the young people of our town, and will act as a wise restraint upon those who most need it. It will also put into the hands of our peace officers an unquestionable authority after certain hours to control the actions of the unruly element in our juvenile population, and will assist in every way towards the maintainance of law and order.

"Your petitioners are convinced that in thus endeavoring to hold evil in check in its beginnings, a far-reaching advantage will be gained, and that the simple enactment asked for, may safeguard the lives of many little ones.

"Your petitioners do therefore, seek your favorable action in making of practical benefit to this town, the recent well considered legislation of our Province."

(A by-law was introduced and passed, every member present pledging himself to support it.)

A CURFEW PROCLAMATION.

The following is a proclamation issued by one of the towns :

PROCLAMATION !

V. R.

Pursuant to resolution of the Town Council, THE TOWN BELL will be rung each evening at nine p.m. on and after Monday the 16th day of May, 1891, as a signal that all persons under

FOURTEEN YEARS OF AGE

are required to be within the enclosure of their own homes or lodging places, unless employed within the scope of their ordinary employment, on an errand, or attended by some adult person. And the

POLICE FORCE

of the town is hereby authorized to enforce the provisions of the said resolution according to law.

JOHN W. FROST,
Mayor.

Dated at Owen Sound,
this 11th day of May, 1891.

OPPOSED TO THE CURFEW.

A lady wrote to a business man asking if he would assist in getting a Curfew By-law adopted. In reply she received the following letter :

DEAR MADAME,—Although your request seems to imply that you would not be pleased to hear from anyone not in favor of the curfew scheme, allow me respectfully to state that in so far as you relegate to policemen the duty of parents, you will degrade the rising generation. If there is street contamination after dark the better plan would appear to be to cleanse it away. If the youth of the city are led by your dark-age proposal to suppose that there is a forbidden delight in the streets after certain hours, no repressive law will prevent them seeking it any more than a prohibitive drinking law prevents the drink habit, or the Sabbatarian law prevents Sabbath desecration, as our Sabbath carriage saints exemplify. I heartily trust for the sake of human progress and the sacredness of individual freedom, that you will not, even temporarily succeed in your vain endeavor to make people righteous by act of penal law.

Yours Truly,

AIM OF THE CURFEW.

“We read in the papers that Toronto wants the Curfew bell, whose tolling at an early evening hour shall be the signal for all young persons under a given age to leave the streets and go home for the night. Some people smile at such an idea and regard it as antiquated and puritanical, but any city that adopts and faithfully executes such a law will reap a golden harvest, rich in the health and morality of the coming generation, rich in the decrease of crime and rich in

resources of municipal and national strength. Few men become drunkards who abstain until twenty-five. Few men become sensualists who retain their purity until twenty-five. Few men become criminals after that age. If we could only keep the rising generation in the path of virtue, honesty, morality, chastity, until they pass through their teens, we would bankrupt almost every saloon and house of shame and gambling hell in the land. These traps of the devil all look to the children of to-day to take the place of the victims now in their grasp. And if the social purity movement is to arrest the threatened destruction of the nation it must reach out its arms to save the young."--
Rev. J. W. Hunter, D.D., at Montreal, Dec. 19, 1895.

A WATCHMAN'S CRY.

In the olden time when the Curfew Bell was a law applying to householders generally—adults as well as children—the following is said to have been one of the calls used by the watchmen as they passed from street to street :—

Cover the fire !
Put out the lights !
It is nine o' the clock !

NOT AN ARBITRARY MEASURE.

"The Curfew tolls the knell of parting day, sometimes at eight and sometimes at nine o'clock in several of the towns in this province. It no longer means "lights out," but is simply a summons to the little boys and girls to betake themselves off the street to

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the shelter of the domestic roof, where their sphere of danger, of bad company, and of mischief will be narrowed, while fuller scope will be given to their capacity for rest. The Curfew bell might be looked upon as a piece of socialistic presumption on the part of the municipality, as an encroachment on the inalienable private right of the head of the family to order the affairs of his own household. But the moral sense of the town will wink at this elbowing aside of the parent by the municipality. The town which orders all unattended children to their homes at eight or nine o'clock in the evening really usurps none of the functions of the parents. The parent who looks after his little boys and girls puts strict limits on their liberty at night, and is neither benefitted nor inconvenienced by the bell. But if the parents are so indifferent to their children's welfare as to let them wander at will after twilight, then the duty of watching over these children is not assumed by, but is thrust on the town."

—*Toronto Mail*.

NO UNDUE INTERFERENCE.

The law only interferes with those parents in whom the moral sense is dead and who ignore the duty they owe to the community in which their defectively-trained child must live. Legislation is always essential in restraining the vicious and punishing those who defy public opinion in matters of vital importance.

THE CHIEF CONSTABLE APPROVES.

"A great deal of fun was made of the by-law which established the Curfew bell, and required that it be rung each evening at a certain hour as a warning to

boys and girls of tender years to leave the streets and seek the seclusion of their homes. There are some persons who fail to see that the by-law is as useful as it was intended, since they are constantly colliding with the small boys as they congregate about every place of entertainment, and seeing on the streets girls who are out walking when they should be at rest and asleep, but the report of the Chief of Police is, that the by-law is fairly successful, and that it has done a great deal of good."—*Kingston Whig*.

MONTREAL IN LINE.

In Montreal a city of 250,000 people, a strong effort is being made to secure the passing of a police ordinance prohibiting girls under sixteen from selling small wares on the streets ; boys and girls from going to the theatres unless accompanied by their parents, and boys and girls under fifteen from being out of their homes after nine p.m., unless for good and sufficient reasons. This is a radical measure in the direction of public supervision, but it goes no further than the failure of parents to perform their duty makes necessary and imperative. Then it is not the children but the parents upon whom the penalty is laid by the Act, since it is now generally conceded that in nearly every case of wrong-doing, it is the father and mother who should be called to account. The Curfew law does not require that children should be arrested, they are simply to be warned and if necessary taken to their homes, and where it is desirable that an example should be made, the parent or guardian is rendered liable to a fine of one dollar for the first offence, and two dollars for a second offence.

IMPROVE THE HOME LIFE.

An argument often used against the Curfew is that the homes of many children are not much better than the streets. If that be true let the aim of all classes be to improve the home, and insist on its being made a better place in which children may dwell.

AN OPINION FROM CHICAGO.

“Another imminent peril to youthful uprightness, which menaces the future of multitudes now guileless and happy, is the frequenting of the streets by children at untimely hours. This habit must inevitably lead to most deplorable results. It is during the period of darkness that evil is rampant, and contamination lurks in the gloom. We trust appropriate legislation will soon check this alarming tendency. The revival of the Curfew bell in Canada, and the adoption of a similar restraint in some parts of our own country, emphasize the necessity of a timely preventive, and possibly suggest an adequate remedy.”—*Humane Journal*, Chicago.

CURFEW IN MINNESOTA.

The Philanthropist, of New York, says: The extensive revival of the Curfew in many cities and towns is noteworthy and significant. It is stated that thirty-one towns in Minnesota alone have recently passed what is known as “the Curfew Ordinance,” by which all children under the age of sixteen are to be off the streets after nine o’clock at night. In the past six months Curfew ordinances have been adopted in

various towns in Oregon, Washington, Idaho, South Dakota, Nebraska, Kansas, Michigan, Missouri, Indiana and Georgia. The movement has not yet been inaugurated in the Eastern States. It seems likely, however to spread throughout the country. Administered with discretion to avoid especially hardship to the poor in exceptional cases, it would undoubtedly be a gain in many ways to have the Curfew bell again sounded at nine o'clock, and to have children thus called from the streets. The street associations in the evening of children unattended by parents or guardians are often evil and fraught with peril to the morals of both sexes.

THE CURFEW IN OMAHA.

The Curfew finds favor in some parts of the United States as well as in Canada. The city council of Omaha by a late vote of thirteen to four, passed the Curfew ordinance over the mayor's veto, and the law is to take effect immediately. It provides that girls under fifteen years of age are to be at home by eight p.m. in the winter and nine in the summer. Children accompanied by grown person in the performance of any errand or other duty, or going to or from work, will not be molested. Parents or guardians allowing children to be out on the streets without reasonable cause after the prescribed hours are subject to a twenty-five dollar fine. Policemen are given full power to enforce the ordinance but they do not place in confinement any child until after its parents or guardian have been notified and have refused to become responsible for the non-observance of the law.

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